

**United States District Court
District of Minnesota**

Ellen M. Gorton,

Plaintiff,

v.

Debt Equities, LLC,
Thomas LaBeaux, and
Paul Skillings,

Defendants.

Court file no. 08-cv-04817 (MJD/JJK)

**Declaration of Sam Glover
in Support of Plaintiff's Motion
for Attorney Fees and Costs**

I, Samuel J. Glover, declare the following:

1. I am the sole owner of Samuel J. Glover & Associates, LLC. I submit this declaration in support of my firm's application for an award of attorney fees in connection with the legal services rendered in the above lawsuit and reimbursement of expenses my firm incurred in the court of this lawsuit.
2. Attached as **Exhibit 1** is my curriculum vitae, containing background information on me and my firm.
3. I have been admitted to the practice of law since October 31, 2003.
4. I am admitted to practice in the state and federal courts of Minnesota and the U.S. Court of Appeals for the Eighth Circuit.
5. I have secured favorable outcomes for clients in consumer cases, including a jury verdict of over \$49,000 in *Guidry v. Reed* , Ramsey Co. D. Ct. file no. 62-C8-06-010630 .

6. I am an experienced federal litigator with substantial experience litigating FDCPA cases.
7. My firm represented Plaintiff Ellen M. Gorton and acted as co-counsel with Peter Barry of Barry & Slade, LLC. My firm actively participated in all aspects of this litigation, from July 2008 through today. This case involved extensive legal research, drafting of pleadings, discovery, client meetings, settlement negotiations, and appearances of counsel. The tasks undertaken by my firm include the following:
 - a. drafting, editing, revising, and filing the Complaint and working with co-counsel regarding the same;
 - b. conferring with the Plaintiff evaluating her case and selecting the viable claims;
 - c. drafting, editing and revising Plaintiff's written discovery requests and responses, and working with co-counsel regarding the same;
 - d. editing and revising all filed pleadings;
 - e. researching all legal issues in the case, from the preparation of the Complaint to discovery and dispositive motions;
 - f. researching all factual and legal issues;
 - g. conferring with co-counsel on all tactical and strategic decisions;
 - h. reviewing correspondence, pleadings and briefing from defense counsel;

- i. participating in and assisting in preparing for all hearings before the Court from the initial pretrial through the settlement conference;
 - j. ensuring the elimination of duplicative or redundant work on this case;
 - and,
 - k. drafting of declarations of counsel and the fee petition for this law firm .
8. The invoice attached as **Exhibit 2** is a detailed and specific summary indicating the amount of time, by the work expended, that I spent on this lawsuit, and includes the fee calculation based on my firm's current billing rates. I prepared this invoice from time records prepared as I worked. There may be variations in the descriptions of activities from other parties involved in this case, since each attorney uses his own descriptions. I have not included time spent preparing this fee application.
9. I carefully reviewed and confirmed each time entry to ensure that only actual, appropriate, and reasonable time was bills for each task I performed.
10. Where necessary, in my judgment, I exercised my discretion to reduce the amount of time recorded for certain tasks, or where I believed there might be redundancy or overlap.
11. My reductions are reflected in **Exhibit 2**.
12. My current hourly rate is \$295 per hour. This rate is reasonable, and it is the rate I currently charge my consumer law clients on contingent-fee matters. I believe this rate is in line with attorneys with comparable experience for

consumer litigation of a similar nature.

13. I have never received a fee award, but I charge my hourly-fee clients (as opposed to my contingent-fee clients) \$250 per hour. I have arrived at this rate over time as my experience has increased. I charge less to my hourly-fee clients because the risk of recovering my fee is considerably less than the risk of recovering my fee in contingent-fee cases.

14. My hourly rate is justified by my experience, the nature and complexity of FDCPA cases generally, the relative risk involved in consumer cases, and hourly attorney fee rates from comparable markets.

15. Gorton hired my firm on a contingent-fee arrangement.

16. This was a complex case with unique facts requiring extensive research into potential claims as well as valuation.

17. The lodestar for my firm's work on this case is as follows:

Attorney	Rate	Hours	Total
Sam Glover	\$295	24.6	\$7,257

18. My firm's lodestar figures are based on my firm's billing rates, which do not include charges for expenses. Expenses are billed separately and not duplicated in my billing rates.

19. **Exhibit 3** is a copy of my expense register in this matter. My firm incurred a total of \$814.81 in unreimbursed expenses in connection with this lawsuit.

These expenses are detailed in **Exhibit 3**.

20. The expenses incurred in this case are reflected in the books and records of my law firm. These books and records are prepared from expense vouchers and check records and are an accurate record of the expenses incurred.
21. The statement of the hours worked on this case is based on and reflected in records generated contemporaneously with the work performed.

Samuel J. Glover & Associates, LLC

Date: May 26, 2009

s/Samuel J. Glover

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Minneapolis, MN 55413
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fax • 612.379.8810
email • pbarry@lawpoint.com

Attorneys for Plaintiff

Exhibit 1

Sam Glover

2021 EAST HENNEPIN AVENUE, SUITE 195 · MINNEAPOLIS MN 55413 · 612.424.3770 · SAM@SJGLOVER.COM

Bar Admissions

- Minnesota
- United States Court of Appeals for the Eighth Circuit
- United States District Court for the District of Minnesota

Legal Experience

SAMUEL J. GLOVER & ASSOCIATES, LLC | MINNEAPOLIS, MN NOVEMBER 2005 – PRESENT

- Developing a dynamic solo practice focused on representing debtors, tenants, and homeowners in cases primarily involving debt collection defense, the Fair Debt Collection Practices Act, the Fair Housing Act and Minnesota Human Rights Act, and Minnesota landlord-tenant law.
- Consult on appellate cases at the Minnesota Court of Appeals and the Minnesota Supreme Court, including brief drafting, moot sessions, and strategy collaboration.
- Supervise co-counsel and law clerks in order to serve more clients more efficiently and effectively.
- Manage 20-25 cases, on average, at different stages of litigation in Minnesota and federal court.
- Create free forms and make available low-cost consultations to help low-income consumers represent themselves, especially in debt buyer cases.
- Maintain *Caveat Emptor*, a consumer law blog, to educate consumers about their rights and remedies. *Caveat Emptor* receives 600-800 visitors each day.

BROWN & CARLSON, P.A. | MINNEAPOLIS, MN JULY 2004 – AUGUST 2005

- Handled complex lawsuits, including construction defect, race and ethnic discrimination, auto accident, and products liability.
- Conducted all facets of discovery and pre-trial case management, including taking and defending depositions and drafting motions and discovery.

BARRY V. VOSS, P.A. | MINNEAPOLIS, MN FEBRUARY 2004 – JULY 2004

- Handled all aspects of the firm's civil litigation, including discovery, motion practice, and appeals, in cases involving personal injury, property forfeiture, and criminal defense.
- Argued cases at the Eighth Circuit U.S. Court of Appeals, the Minnesota Court of Appeals, and Minnesota U.S. District Court, and made frequent appearances on civil and criminal matters in various Minnesota district courts.

F. CLAYTON TYLER, P.A. | MINNEAPOLIS, MN JULY 2002 – JANUARY 2004

- As a law clerk, then attorney, served the majority of the firm's writing needs.
- Wrote appellate briefs to the Minnesota Court of Appeals and the Eighth Circuit U.S. Court of Appeals, as well as memoranda for motions in Minnesota district courts and the Mdewakanton Sioux (Dakota) Community tribal court.
- Assisted at trial and depositions, including witness preparation.

Additional Legal Experience

KYLE LAW OFFICE | MINNEAPOLIS, MN FEBRUARY 2004 – JULY 2004

- Drafted two briefs to the Minnesota U.S. District Court in a post-9/11 immigration matter, one on the necessity defense and the other on the 1951 U.N. Convention relating to the Status of Refugees.

U.S. PUBLIC DEFENDER'S OFFICE | MINNEAPOLIS, MN

OCTOBER 2003 – FEBRUARY 2004

- As a volunteer, drafted portions of a brief to the Eighth Circuit U.S. Court of Appeals.

CIVIL RIGHTS MOOT COURT | UMN LAW SCHOOL

SEPTEMBER 2002 – APRIL 2003

- As a third-year competition team member, argued at the national Civil Rights Moot Court competition.

MISDEMEANOR DEFENSE AND PROSECUTION CLINICS | UMN LAW SCHOOL

SEPTEMBER 2001 – APRIL 2002

- Served as a public defender and prosecutor under the student practice rule in Hennepin County and Ramsey County district courts at arraignments and, as prosecutor, traffic court trials.

Teaching Experience

UNIVERSITY OF MINNESOTA LAW SCHOOL | MINNEAPOLIS, MN

SEPTEMBER 2005 – PRESENT

- Adjunct professor of law for second-year law students in the Maynard Pirsig Moot Court program.
- Teach appellate research, writing, and oral advocacy to second-year students through weekly class meetings, one-on-one student meetings, and a series of moot sessions.
- Introduce students to written and oral advocacy, building on the analytical skills developed in first-year legal writing, and instill best practices to guide students during and after law school.
- Evaluate and comment on students' writing assignments and oral presentations.

SPEAKING ENGAGEMENTS (REPRESENTATIVE SAMPLE)

2007 – PRESENT

- NCLC National Consumer Rights Litigation Conference (Portland, OR): *Sharing a Common Public Message* (October 24, 2008)
- MCLE Strategic Solutions for Solo and Small Firms 2008 Conference: *The Paperless Office* (August 5, 2008)
- Yaeger, Jungbauer & Barczak, PLC: *Blawging 101* (July 23, 2008)
- MCLE: *New Lawyer Experience – Starting a Law Firm* (July 22, 2008)
- Volunteer Lawyers Network: *Vacating Default Judgments* (June 12, 2008)
- MCLE webcast: *Offensive Defense: An Introduction to Protecting Consumers from Unscrupulous Debt Collectors* (June 10, 2008)
- Ramsey County Bar Association: *Tech Tools & Crises: What Small Firms Need to Know* (January 29, 2008)
- MCLE webcast: *Case Management Without Case Management Software* (November 20, 2007)
- MCLE webcast: *Tech Tuesday: Blogging for Lawyers* (November 6, 2007)

CIVIL RIGHTS MOOT COURT | UMN LAW SCHOOL

SEPTEMBER 2002 – APRIL 2003

- As a student teaching director, supervised second-year students' appellate writing and oral advocacy, including editing and grading assignments, meeting individually with students to advise their writing, and judging oral arguments.

Publications and Media

BLOGS

- *Caveat Emptor*, founder and editor in chief (caveatemptorblog.com)
- *Lawyerist*, founder and editor in chief (lawyerist.com)
- *Consumerist*, regular contributor (consumerist.com)
- *Consumer Law & Policy Blog*, regular contributor (clpblog.org)

KTLK-FM THE HOME & WEALTH SHOW

APRIL 2007

- Guest on Sunday-morning talk radio show.

EMERGING COVERAGE ISSUES IN CONSTRUCTION DEFECT LITIGATION: DIMINUTION IN VALUE CLAIMS

SPRING 2005

- Originally published at www.brownandcarlson.com.

EDITORIAL BOARD OF THE MINNESOTA DAILY | UMN

SEPTEMBER 2002 – MAY 2003

- Wrote editorials for the largest entirely student-run newspaper in the country.

Education

UNIVERSITY OF MINNESOTA LAW SCHOOL MINNEAPOLIS, MN

- Juris Doctor (May 2003)
- Honors: dean's List and best oralist in second-year legal writing section.
- Law Council: president for the 2002-03 academic year. Previously treasurer and student representative. Oversaw student organizations and advocated for improvements on behalf of law students.
- American Constitution Society for Law and Policy: founder and president of the UMN chapter from 2001 to 2003.

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY BLACKSBURG, VA

- B.A. in English, minor in Classical Studies (May 2000)
- Honors: dean's List and English department scholarship for outstanding incoming freshman.

Public Service

HOME LINE | MINNEAPOLIS, MN

SEPTEMBER 2008 – PRESENT

- Member of the board of directors.

VOLUNTEER LAWYERS NETWORK | MINNEAPOLIS, MN

OCTOBER 2007 - PRESENT

- Develop and administer a legal clinic for defendants in debt buyer collection lawsuits.

MINNESOTA COALITION FOR THE HOMELESS | MINNEAPOLIS, MN

SEPTEMBER 2005 – MAY 2006

- Policy advocacy volunteer.
- Worked with the legislative policy director on the Housing Solutions Act, a campaign to secure dedicated funds for affordable housing.

HOME LINE | MINNEAPOLIS, MN

JANUARY 2001 – MAY 2003

- Tenant advocacy hotline student volunteer.

Professional Memberships

MINNESOTA STATE BAR ASSOCIATION

- Secretary, Practice Management and Marketing Section
- Member, Pro Se Implementation Committee
- Member, Court Rules and Administration Committee

HENNEPIN COUNTY BAR ASSOCIATION

NATIONAL ASSOCIATION OF CONSUMER ADVOCATES

Exhibit 2

Samuel J. Glover & Associates, LLC
 2021 East Hennepin Avenue
 Suite 195
 Minneapolis MN 55413
 Phone: 612.424.3770

INVOICE

Ellen Gorton
 2400 West 102nd Street, #132
 Bloomington MN 55431

Invoice #:	0000018
Date:	April 24, 2009
Amount Due USD:	\$7257.00

Item	Description	Unit Cost (\$)	Quantity	Price (\$)
	[2008-06-04] Phone call to client to schedule meeting.	295.00	0.1	29.50
	[2008-06-13] Emails to and from client regarding intake meeting with P Barry.	295.00	0.3	88.50
	[2008-07-09] Emails to and from P Barry and E Gorton to reschedule meeting.	295.00	0.3	88.50
	[2008-07-28] Meet with client and P Barry to discuss claims.	295.00	2.5	737.50
	[2008-07-28] Email to P Barry regarding elements of claims.	295.00	0.2	59.00
	[2008-07-28] Emails to and from client regarding checking account records.	295.00	0.2	59.00
	[2008-07-29] Draft complaint.	295.00	2.2	649.00
	[2008-07-29] Finish draft of complaint.	295.00	1.3	383.50
	[2008-07-29] Meet with client to review draft complaint.	295.00	0.5	147.50
	[2008-07-30] Revise complaint.	295.00	1.3	383.50
	[2008-07-31] Finalize complaint; draft summons; draft civil cover sheet; finalize and file lawsuit via ECF.	295.00	1.4	413.00
	[2008-08-07] Review and file additional documents from client.	295.00	0.4	118.00
	[2008-08-07] Phone call from client; email to P Barry regarding same.	295.00	0.3	88.50
	[2008-08-11] Email from client regarding copies of checks.	295.00	0.1	29.50
	[2008-08-18] Email summons and complaint to Metro Legal for service.	295.00	0.1	29.50
	[2008-08-20] Phone call from Metro Legal (Rick) regarding attempts to serve P Skillings; email summons and complaint to CSI Legal Process to track down and serve P Skillings.	295.00	0.2	59.00
	[2008-08-27] Review Debt Equities documents from the Secretary of State; email to J Solomonson regarding service on Debt Equities and T LaBeaux.	295.00	0.2	59.00
	[2008-09-08] Phone call from client regarding check images.	295.00	0.1	29.50
	[2008-09-16] Receive and review answer.	295.00	0.3	88.50
	[2008-10-17] Email from P Barry regarding Rule 68 offer; review Rule 68 offer from defendants; email from client checking in; respond to same; email to P Barry regarding Rule 68 offer.	295.00	0.4	118.00
	[2008-10-22] Phone call with P Barry; phone call with client and P Barry regarding settlement; phone call with B O'Neil and P Barry regarding settlement and Rule 26(f) conference.	295.00	0.5	147.50

[2008-11-10] Draft Rule 26(f) report; email same to P Barry and go over report; revise report and email to B O'Neil.	295.00	0.5	147.50
[2008-11-12] Discuss settlement with P Barry.	295.00	0.6	177.00
[2008-11-14] Round trip to St. Paul for scheduling conference; attend scheduling conference.	295.00	1	295.00
[2008-11-14] Email to client regarding settlement conference.	295.00	0.1	29.50
[2008-11-25] Prepare summons returned executed and certificate of service; file same via ECF.	295.00	0.3	88.50
[2008-12-01] Draft Rule 26(a)(1) disclosures; review and revise with P Barry; email disclosures to B O'Neil.	295.00	0.4	118.00
[2008-12-29] Review Debt Equities's 26(a)(1) disclosures.	295.00	0.2	59.00
[2009-01-04] Review and revise list of documents for disclosure to B O'Neil; email to P Barry for review.	295.00	0.3	88.50
[2009-01-05] Draft amended 26(a)(1) disclosures; discuss same with P Barry.	295.00	0.3	88.50
[2009-01-08] Finalize amended 26(a)(1) disclosures; send amended disclosures to B O'Neil via Rpost email; email to B O'Neil regarding meeting to discuss settlement; email from B O'Neil with availability.	295.00	0.3	88.50
[2009-01-08] Email to P Barry regarding possible motion for permission to seek punitive damages.	295.00	0.2	59.00
[2009-01-22] Draft summary of facts for confidential settlement letter.	295.00	0.8	236.00
[2009-01-28] Attend settlement conference in St. Paul USDC.	295.00	5	1475.00
[2009-02-02] Email to B O'Neil requesting deposition dates.	295.00	0.2	59.00
[2009-03-23] Email to P Barry regarding settlement and discovery.	295.00	0.1	29.50
[2009-04-13] Consult with P Barry regarding defendants' Rule 68 offer; phone call with client regarding same.	295.00	0.8	236.00
[2009-04-13] Draft notices of taking 30(b)(6) deposition and depositions of P Skillings and T LaBeaux; draft notice of Rule 34 site inspection; forward same to P Barry for review and service.	295.00	0.6	177.00
	Subtotal:		7257.00
	Total:		7257.00
	Amount Paid:		-0.00
	Balance Due USD:		\$7257.00

Exhibit 3

Assets:Litigation Costs:080208b Gorton - Register Report

Date	Num	Description	Memo	Transfer	Increase	Decrease	Balance
02/11/2008	CC	225 South 6th Street 080208 Gorton		Assets:Current Assets:Checking Account	<u>\$8.00</u>		<u>\$8.00</u>
02/11/2008		Mileage		Liabilities:Accounts Payable:Expense Reimbursement:SJG	<u>\$3.54</u>		<u>\$11.54</u>
02/29/2008		February postage costs		-- Split Transaction --	<u>\$5.59</u>		<u>\$17.13</u>
04/15/2008		Secretary of State		Liabilities:Accounts Payable:Expense Reimbursement:SJG	<u>\$6.00</u>		<u>\$23.13</u>
04/30/2008		Expense reimbursement to SJG	080208 Gorton	-- Split Transaction --	<u>\$12.63</u>		<u>\$35.76</u>
04/30/2008		April postage costs		-- Split Transaction --	<u>\$3.14</u>		<u>\$38.90</u>
05/12/2008		Mileage		Liabilities:Accounts Payable:Expense Reimbursement:SJG	<u>\$4.55</u>		<u>\$43.45</u>
05/12/2008		Parking		Liabilities:Accounts Payable:Expense Reimbursement:SJG	<u>\$17.00</u>		<u>\$60.45</u>
06/02/2008		May postage costs		-- Split Transaction --	<u>\$0.58</u>		<u>\$61.03</u>
06/02/2008		Expense reimbursement to SJG	080208a Gorton	Assets:Current Assets:Checking Account	<u>\$4.55</u>		<u>\$65.58</u>
07/31/2008	CC	USDC Minn		Liabilities:Current Liabilities:Business Visa	<u>\$350.00</u>		<u>\$415.58</u>
09/22/2008		Postage		Expenses:Postage and Delivery	<u>\$0.63</u>		<u>\$416.21</u>
09/22/2008	5221	CSI Legal Process, Inc.		Assets:Current Assets:Checking Account	<u>\$319.50</u>		<u>\$735.71</u>
09/22/2008	5223	Metro Legal Services		Assets:Current Assets:Checking Account	<u>\$77.00</u>		<u>\$812.71</u>
04/14/2009		Postage		Expenses:Postage and Delivery	<u>\$1.68</u>		<u>\$814.39</u>
04/15/2009		Postage		Expenses:Postage and Delivery	<u>\$0.42</u>		<u>\$814.81</u>
Total Debits					\$814.81		
Net Change					\$814.81		